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TOWN OF JOHNSTON PLANNING BOARD

100 IRONS AVENUE, JOHNSTON, RI 02919
TEL.: (401) 231-4000 FAX: (401) 231-4181

October 2, 2012

AMENDED MINUTES

The Planning Board of the Town of Johnston held its regular monthly meeting on Tuesday, October 2, 2012, at the Johnston Senior Center, 1291 Hartford Ave.

I. Call to Order

II. Roll Call & Determination of Quorum

The meeting was called to order at 7:02 p.m. Quorum present for the Board: Lauren A. Garzone/Chair, John Laurito/Vice Chair, Mohamad Y. Sasa, and Anthony Verardo. Absent: M. Campagnone, Christine Cunneen, and Peggy Passarelli.

Also present for the Town: Joseph R. Ballirano, Planning Board solicitor; and Rian Smith, Assistant Town Planner; absent: Pamela Sherrill, Administrative Officer.

III. Minutes

August 7, 2012, meeting minutes **accepted** (motion by M. Sasa, 2nd by J. Laurito—discussion, none—carried, 4-0).

IV. Public Hearings

Advisory opinion (cont'd) on petition to abandon 300 feet of **Tilton Avenue** between Greenville and Kelley Avenues located on A.P. 17 for Brian D. & Linda A. **Coppola** and Thomas & Elisha **Calabro**.

2012-CP-98 / PB '12-21

Alfred Russo, Esq., presented proposed petition to abandon Tilton Avenue; no longer useful except to applicant. J. Ballirano stated that Planning Report recommended positively. Russo produced photos of street (*Exhibit A accepted into record*, and agreed to utility easement and commercial use restriction. T. Calabro's intended use of his portion of the proposed abandoned street was "just to add it for right now."

Motion to issue **favorable advisory opinion** (by J. Laurito., 2nd by M. Sasa) based upon submitted application, testimony presented to Board, staff report and memoranda; adherence to general purposes of Johnston Subdivision Regulations §1, and positive findings for §5-2 standards; and consistency with Johnston Comp Plan—subject to the following conditions:

1. Utility easement for two water lines to be granted to PWSB by future owners; and
2. Covenants to be placed on Lot 176 deed precluding commercial use in R-15 zone.

Carried with no discussion, 4-0.



v. Public Hearings

Preliminary plan review of proposed 8-lot major subdivision with street construction at 1134 Atwood Avenue—located on A.P. 24 / Lot 11 on 7.47 ± acres zoned R-15—for Frank & Maria Cassisi.

PB '12-14

Alfred Russo, Esq., presented proposal. He expressed willingness to accede to Town concerns about project completion. Peter A. Alviti, Jr., PE (*accepted as expert witness*), described existing conditions and utilities, including topography (steep slopes over entire site), roadway grade, extensive earthwork, runoff and drainage (houses on plateaus), and erosion control measures during construction. All approvals have been received, including for drainage system. Alviti distributed hydrologic report (*Exhibit A accepted into record*).

Three waivers previously requested: decreased pavement width (24' vs. 30'); increased land clearance (77.5% vs. 60%); increased cul-de-sac length (900' vs. 600'). Additional waiver required for proximity of 50' of fencing along cul-de-sac from roadway (4' vs. 13').

Applicant distributed alternate grading plan (*Exhibit B accepted into record*). Open space and Town acceptance thereof to be addressed. Alviti cited full compliance with regulations for traffic, sewer, water, roadway, drainage, and lot buildability after grading.

Applicant responded to Town conditions as follows:

1. Mechanical blasting to be prohibited—"agreed." (Discussion of effect on nearby wells.)
2. Lot 9/Open Space conservation easement to be recorded as approved by legal department—"agreed."
3. Homeowners association to own/maintain Lot 9 (vs. open space deeded to Town), with draft HOA agreement as approved by legal department—"opposed." Planning solicitor reiterated requirement.
4. Lot 9 retaining walls to not exceed 4' in height, and ornamental fencing (chain link prohibited) to parallel 3+ walls along right-of-way—"waiver #4 to address."
5. Town Engineer and legal concerns be addressed—"done."
6. Completion of grading, walls, utilities and road (to base course) by Dec.31—"objection." Disturbed slopes shall be stabilized with mulch and groundcover within five days of grading—"agreed." If Dec. 31 deadline not met, penalties under \$500 for each violation/other remedy referenced to be levied under §340-126—"objection." Requirement to be addressed at final stage—"agreed."
7. Mowing/maintenance of cul-de-sac island to not be Town's responsibility—"agreed."
8. Town to approve construction estimate (for items cited in 9/25/12 memo)—"agreed"; applicant to add 15% for subsurface conditions—"agreed that total bond amount to be addressed at final stage."
9. Performance bond to be required for municipal permit (building or soil erosion control), infrastructure including walls, and landscaping (with 2-year guarantee)—"agreed."
10. Lot 2, 3, 4, 5, 6 & 8 deeds to include homeowner responsibility for maintaining retaining wall; planting (shrubs vs. trees) near top of wall to be specified—"agreed."



11. Work to be prohibited prior to Final Plan approval and recording of plans—"agreed;" and prohibited without building and soil and sediment control permits—"agreed."
12. Final plan to be reviewed by Board (not administratively) —"agreed."

Albert Acciaro, abutter, expressed concern with property outside of scope of proposal.

Public hearing closed. Planning Report and documents referenced therein entered into record.

Further discussion of utility lines, retaining walls, drainage, Town acceptance of roadway/HOA, and open space use.

*Motion to **conditionally approve** Preliminary Plan for **Atwood Avenue—Cassisi** (by M. Sasa, 2nd by J. Laurito) based upon submitted application, testimony presented to Board, staff report and memoranda; adherence to general purposes of Johnston Subdivision Regulations §1, and positive findings for §5–2 standards; and consistency with Johnston Comp Plan—subject to the following conditions (with Planning recommendations #6 and 8 to be addressed at final stage):*

1. Mechanical blasting to be prohibited.
2. Lot 9/Open Space conservation easement to be recorded as approved by legal department.
3. Homeowners association to own/maintain Lot 9 (vs. open space deeded to Town), with draft HOA agreement as approved by legal department.
4. Lot 9 retaining walls to not exceed 4' in height, and ornamental fencing (chain link prohibited) to parallel 3+' walls along right-of-way.
5. Town Engineer and legal concerns be addressed.
6. Mowing/maintenance of cul-de-sac island to not be Town's responsibility.
7. Performance bond to be required for municipal permit (building or soil erosion control), infrastructure including walls, and landscaping (with 2-year guarantee)
8. Lot 2, 3, 4, 5, 6 & 8 deeds to include homeowner responsibility for maintaining retaining wall; planting (shrubs vs. trees) near top of wall to be specified.
9. Work to be prohibited prior to Final Plan approval and recording of plans—"agreed;" and prohibited without building and soil and sediment control permits.
10. Final plan to be reviewed by Board (not administratively).

Board approved four waivers: (i) decreased pavement width (24' vs. 30'); (ii) increased land clearance (77.5% vs. 60%); (iii) increased cul-de-sac length (900' vs. 600'); and (iv) decreased distance of fencing (50' along cul-de-sac) from roadway (4' vs. 13').

Discussion of timeframe within with construction to be completed—to be addressed at final stage. Motion carried, 4–0.

vi. New Business

Advisory opinion on petition to accept **Claire Court** located on A.P. 49 / Lot 26 for Anthony L., Jr. & Claire **Ferranti**.

2012–CP–107 / PB '12–23

*Advisory Opinion **continued** (motion by M. Sasa, 2nd by A. Verardo) to November meeting.*



VII. Administrative Report & Special Item

Attention brought to letters regarding Planning Board conditions of approval for LFG.

Planning Board meetings henceforth to begin at six o'clock (vs. 7:00) as of next meeting.

VIII. General Business— none

IX. Adjournment

October 2, 2012, Planning Board meeting adjourned at 8:32 p.m.

Peggy A. Passarelli
SECRETARY